

Appl. No. 09/608,080
Reply to Office action of 06/04/2003

Page 5

REMARKS/ARGUMENTS

In reply to the Office Action mailed June 4, 2003, Applicant respectfully requests reconsideration and allowance of the subject application. In the Office Action, the Examiner issued a restriction requirement and rejected provisionally elected claims 3-6 for anticipation under 35 U.S.C. §102(a). In reply, Applicant has withdrawn claims 1-2 from consideration, amended the specification and claim 3 and added new claim 7. Accordingly, claims 3-7 are pending in the subject application for consideration.

Applicant has updated the "Cross-Reference to Related Application" on page 1 of the specification to refer to U.S. Patent 6,127,571.

The Examiner issued a restriction between claims 1-2 of Group I, drawn to a chemical process, and claims 3-6 of Group II, drawn to a chemical apparatus. Applicant provisionally elected with traverse to prosecute the invention of Group II, claims 3-6. Applicant affirms this election herein.

The Examiner rejected claims 3-6 for anticipation by U.S. Patent 5,922,903 (the "Pujado patent"). Applicant respectfully traverses this rejection. The Pujado patent discloses a falling film reactor that includes perforated plates 40 within heat exchange channels 24 defined by imperforate plates 44

to vary the turbulence effect related to the corrugation pattern in the heat exchange channels [24] separately from that of the contacting channels [14]. As shown schematically in FIGS. 3 and 5, this may be accomplished by inserting an additional plate 40, 42 within the heat exchange channels. As shown schematically in FIG. 5 such an arrangement sandwiches [perforate] plate 40 between [imperforate] plates 44 within heat exchange channels 48. ... As more clearly illustrated in FIG. 6, the corrugated plate [40] preferably contains perforations 50 between ridges 52 and valleys 54 of the corrugations 56.

Column 6, line 59 to column 7, line 4 (clarifying references added).

Applicant respectfully submits that the Pujado patent does not disclose an apparatus comprising a plurality of contacting plates containing perforations or permeable sections stacked adjacent to one another. As seen in FIGS. 3 and 5 of the Pujado patent, the perforated plate 40 is sandwiched between imperforate plates 44. The rejection contends a: page 3 of the Office Action that the adjacent plates are items 40, 44 which Applicant respectfully submits do not both comprise perforated plates. Moreover, the rejection contends that a contact channel 14 is located between each heat exchange channel defined by the second side of the plates. Office Action at page 3. The rejection contends, apparently, that the contact channels 14 are analogous to the distribution channels recited in Applicant's claims and the heat exchange channels 48 are analogous to the reaction channels recited in Applicant's claims. Even if that were a proper analogy, the contact

Appl. No. 09/608,080
Reply to Office action of 06/04/2003

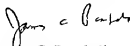
Page 6

channel 14 in the Pujado patent is not defined by the second side of the perforated plate 40. The perforated plate 40 does not even communicate with contact channel 14. As seen in FIGS. 3 and 5, no second side of perforated plate 40 defines channel 14. Even though plate 18 in FIG. 3 and plate 44 in FIG. 5 have a second side defining the contact channel 14 in FIG. 3 and 46 in FIG. 5, neither plate 18 nor 44 includes perforations, disqualifying it as one that defines reaction channels as required in the claims. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejection for anticipation of claim 3.

Applicant has also added new claim 7 which includes additional limitations to that of independent claim 3. For at least the same reasons that claim 3 is patentable over the cited reference, Applicant respectfully submits that claims 4-6 which depend from claim 3 and claim 7 are patentable over the cited reference.

Applicant respectfully requests reconsideration and allowance of the elected claims 3-7 pending in the subject application. Should the Examiner have any questions regarding this matter, please feel free to contact the undersigned.

Respectfully submitted,



James C. Paschall
Attorney for Applicant
Reg. No. 36,887
(847) 391-2355 (phone)
(847) 391-2387 (fax)

James W. Hellwege
Registration No. 28,808
Washington Counsel (703) 205-8021
JCP/gm

OFFICIAL

RECEIVED
CENTRAL FAX CENTER

SEP 05 2003